IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 36462 of 2005(N)

PETITIONERS:
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1. **E. NARAYANAN, `SAHAKARI BHAVAN'**
   MANNAYAD, THALASSERY P.O., KANNUR DISTRICT.

2. **M.V. KRISHNAN, AMBADI,**
   PANATHADI, RAJAPURAM, HOSDURG,
   KASARAGOD DISTRICT.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN
SRI.C.P.MOHAMMED NIAS

RESPONDENTS:
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1. **THE STATE OF KERALA-REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT, CO-OPERATION
   DEPARTMENT, GOVERNMENT OF KERALA,
   TRIVANDRUM.

2. **THE STATE CO-OPERATIVE URNION,**
   KERALA, TRIVANDRUM REPRESENTED BY ITS
   SECRETARY.

3. **THE RETURNING OFFICER,**
   STATE CO-OPERATIVE UNION, KERALA (ELECTIONS)
   JOINT REGISTRAR (SC & ST), OFFICE OF THE
   REGISTRAR OF CO-OPERATIVE SOCIETIES,
   TRIVANDRUM.

4. **ADVOCATE V.S. HAREENDRANATH**
   TRIVANDRUM CIRCLE CO-OPERATIVE UNION,
   TRIVANDRUM.

...2/-

5. SRI. GEORGE VARGHESE,
KANJIRAPPALLY CIRCLE CO-OPERATIVE UNION,
KANJIRAPPALLY, KOTTAYAM DISTRICT.

6. SRI.K. MANIKANDAN, PALAKKAD CIRCLE
CO-OPERATIVE UNION, PALAKKAD,
PALAKKAD DISTRICT.

7. SRI. E. ABOOBEKAR, MANJERI CIRCLE
CO-OPERATIVE UNION, MANJERI P.O.,
MALAPPURAM DISTRICT.

8. SRI. T.K. BHOOPESH, MANANTHAAWAY
CIRCLE CO-OPERATIVE UNION,
MANANTHAAWADY, WAYANAD DISTRICT.

BY ADV. SRI.T.R.HARIKUMAR, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.36462/2005 N

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ELECTION NOTIFICATION DTD. 9/12/2005 PUBLISHED BY THE RETURNING OFFICER.**

EXT.P2: **COPY OF THE VOTERS LIST PUBLISHED BY THE RETURNING OFFICER.**

EXT.P3: **COPY OF THE LIST OF VALID NOMINATIONS PUBLISHED BY THE RETURNING OFFICER ON 19/12/2005.**

EXT.P4: **COPY OF THE OBJECTION DTD. 20/12/2005 FILED BY THE FIRST PETITIONER.**

EXT.P5: **COPY OF THE FINAL LIST OF VALID NOMINATIONS PUBLISHED BY THE RETURNING OFFICER.**

/TRUE COPY/

KSS

KURIAN JOSEPH, J.

W.P.(C) No. 36462 of 2005

Dated this the 26th day of February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers:

> **"Issue a writ of certiorari quashing the acceptance of the nominations of the respondents 4 to 8 since the nominations are in violation of Rule 152 (2) and clause (v) of Exhibit.P1 Election Notification**
>
> **Issue a writ of mandamus, order or appropriate direction to the first respondent to exempt the rigor of Rule 152 (2) to enable the nominees from the Kasargod District to submit nomination to the election to the State Co-operative Union;**
>
> **Declare that the acceptance of the nominations of respondents 4 to 8 in violation of Rule 152 (2) of the rules is illegal and liable to be declared invalid."**

Under Rule 150 of the Kerala Co-operative Societies Rules, it is for the Government to settle the disputes of the nature referred to in the writ petition. Accordingly, this writ petition is disposed of as follows:

In the event of the writ petitioners approaching the Government within two months from today, the matter

shall be treated as filed in time and the same shall be considered with notice to the petitioners and respondents 2 and 4 to 8 and appropriate orders in accordance with law thereon will be passed within another four months.

(KURIAN JOSEPH, JUDGE)

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KURIAN JOSEPH, J.

OP No.

JUDGMENT

13th March, 2006